

BARNARD KELLEY.

DECEMBER 27, 1831.

Reprinted by order of the House of Representatives.

DECEMBER 17, 1830.

Mr. JOHNSON, of Kentucky, from the Committee on the Post Office and Post Roads, made the following

REPORT:

*The Committee on the Post Office and Post Roads, to which was referred the petition of Barnard Kelley, of Elbert county, in the State of Georgia, have had the subject under consideration, and report:*

That the petitioner, in the year 1805, was postmaster in the town of Washington, Wilkes county, in the State of Georgia; that during that year, the house of the petitioner, in which the post office was kept, together with the vouchers of payments made to the Post Office Department, money belonging to the office, all the records belonging to the office, and *all* of the property which the petitioner possessed, was, with a trifling exception, consumed by fire; that, at the time of that conflagration, there was a balance standing charged against the petitioner in the Post Office Department of \$173 82; that the vouchers of payments made to the department, for which the petitioner did not receive credit, added to the money belonging to the office, and which was so destroyed, were more than equal to the balance then standing against him in the Post Office Department; that judgment was recovered in the district court for the district of Georgia, in favor of the Postmaster General of the United States, against the petitioner, for the said balance of \$173 82 principal, \$218 20 interest, and \$43 80 costs, making, in the aggregate, the sum of \$435 82, all of which was paid by the petitioner. Satisfied, by the evidence submitted, that the material facts set forth by the petitioner are substantially true, your committee are of opinion that the petitioner is entitled to relief: they therefore report a bill.

*To the Congress of the United States:*

The petition of Barnard Kelley sheweth:

That he was many years, previous to 1805, postmaster at Washington, in Wilkes county, State of Georgia, and conducted himself with fidelity, always accounting regularly for his receipts of postage. That, in the aforesaid year, his house, which constituted the principal part of his property, and in which the post office was kept, was destroyed by fire, whereby he lost every thing appertaining to his office, what money he had then on hand, and all his own effects—he and family having saved only their clothes and some trifling effects. That, being reduced to very indigent circumstances by this accident, the Government did not press the judgment which they recovered against him for \$173 82, for a number of years, but left him

to struggle for the support of his family, without the additional pressure of their claim. That, a few years since, by the death of his wife's father, he acquired one negro man, who, with a small piece of poor land, constitutes his whole property. That your petitioner is infirm and unable to work, and his family consists of a wife and seven daughters, one of whom is insane, and he is entirely dependent for subsistence on the labor of these, who are unable to work in the field. That the execution of the Government has been levied on his property, and your petitioner will be reduced to absolute want if it is pressed. That he considers himself entitled to relief, because, by the destruction of his office, he was unable to settle his accounts with the Government, having been thereby deprived of his vouchers, and lost the amount of money which he had then on hand; and that, by the loss of vouchers, he was charged with an amount greater than he was really liable for. Wherefore, he prays Congress will afford him such relief as they may deem proper.

BARNARD KELLEY.

*August 15, 1828.*

The undersigned having been residents of Washington, and in Wilkes county, in the State of Georgia, in the year 1805, say, that they have been well acquainted with Barnard Kelley, in the year 1805, and that they know that his dwelling house, in which he kept the post office, was destroyed by fire in that year, and every thing burnt except some trifling effects. Having read his petition hereunto annexed, they verily believe the facts therein stated to be true.

WILLIAM WILKINS,  
THOMAS WOOTTEN,  
JOHN DYSON,  
CH. R. CARTER,  
A. M. CHARLTON,  
FELIX G. HAY,  
THOMAS TALBOT.

*Georgia, Wilkes county, August 22, 1828.* William G. Gilbert personally came before me, and made oath that he knew Barnard Kelley; that he was many years postmaster in this place, and that he lost his house by fire, and, as this deponent then understood, almost all his property; that he always supported the character of an honest, worthy man; and, at the time he removed from this place, was in very indigent circumstances, and had a large family to support.

WM. G. GILBERT.

Sworn to before me, this 22d August, 1828.

WM. H. CRAWFORD, J. S. C. N. C.

*Georgia, Wilkes county.* Thomas Terrell personally came before me, and made oath that he knew Barnard Kelley as postmaster for many years in this place; and that he lost his house by fire, where said office was kept. I was present and saw the house burn, and it was said all that he had. Said

Kelley supported the character of an honest man; and, when he removed from this place, was in quite indigent circumstances, and I believe he remains with a large family to support.

THOMAS TERRELL.

Sworn to before me, this 22d of August, 1828.

WM. H. CRAWFORD, *J. S. C. N. C.*

*Georgia, Wilkes county.* I hereby certify that I have been long acquainted with William G. Gilbert and Thomas Terrell, the persons who have subscribed the within depositions, and know them to be men of unimpeachable character, and entitled to the fullest credit. Given under my hand and seal, this 21st August, 1828.

WM. H. CRAWFORD,  
*J. S. C. N. C.*

*Georgia, Elbert county.* Before me Benjamin Smith, a justice of the inferior court for said county, personally appeared Barnard Kelley, of the county and State aforesaid, who, being duly sworn, deposeth and saith, that the *material* facts set forth in his petition addressed to Congress, bearing date the 15th August, 1828, which is hereunto annexed, are true. That since that date he has paid to the marshal for the district of said State (or to his deputy) the whole amount claimed of this deponent by the Post Office Department, including interest and cost, with the principal, which he, this deponent, supposes appears of record in said department.

And said deponent further saith, that the vouchers of payments made by him to the Post Office Department, for which he *did not* receive credit, added to the money which was, with said vouchers, destroyed by fire when his house was consumed, was equal to the amount of the principal for which judgment was recovered against him by said department.

BARNARD KELLEY,

Sworn to, and subscribed before me, this 20th October, 1830.

BENJAMIN SMITH, *J. I. C.*

POSTMASTER GENERAL

of the U. States,

*vs.*

BARNARD KELLEY,

*Fi. Fa. from the District Court of Georgia.*

Received of the defendant, Barnard Kelley, the principal and interest, and forty-three dollars and eighty cents cost, in full of said execution, this 12th of August, 1826.

LINDSAY JOHNSON,

*Dep. Marshal Dis. Georgia.*

Test: JOHN A. HEARD,

Principal \$173 82

Interest 218 20

Cost 43 80

435 82

He has suggested the character of an agent and when he removed from this place was in quite instant communication and I believe to be in some way connected with a large family to support

THOMAS TERRELL

Sworn to before me this 2nd of August, 1855  
Wm. H. Crawford, J. & C. A. C.

Witness, Wm. H. Crawford, I have seen and know him to be one of the persons who have suggested the witness-holding and caused to be taken under my hand and seal this 2nd August, 1855.

Wm. H. CRAWFORD

J. & C. A. C.

Witness, Wm. H. Crawford, I have seen Benjamin Smith, a justice of the peace, and he has suggested the witness-holding and caused to be taken under my hand and seal this 2nd August, 1855. I have seen and know him to be one of the persons who have suggested the witness-holding and caused to be taken under my hand and seal this 2nd August, 1855. I have seen and know him to be one of the persons who have suggested the witness-holding and caused to be taken under my hand and seal this 2nd August, 1855.

BENJAMIN SMITH

Sworn to and subscribed before me this 2nd October, 1855  
Benjamin Smith, J. & C.

Witness, Wm. H. Crawford, I have seen and know him to be one of the persons who have suggested the witness-holding and caused to be taken under my hand and seal this 2nd August, 1855.

Witness, Wm. H. Crawford, I have seen and know him to be one of the persons who have suggested the witness-holding and caused to be taken under my hand and seal this 2nd August, 1855.

LINDSEY JOHNSON

Sworn to before me this 2nd August, 1855

Test: John A. Harnes, Recorder, \$10.00  
Witness, \$2.00  
Total, \$12.00